



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.10895 of 2013 &
M.P.Nos.1 & 2 of 2013

1.P.S.Anand Kumar

2.C.Lalitha Mani

...Petitioners

Vs

The Executive Officer,
Kannampalayam Town Panchayat,
Coimbatore - 641 402.

...Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondent ending with impugned order dated 23.11.2012 in Rc.6/12 and quash the same.

For Petitioner : Mr.A.Nassir Hussain
for Mr.N.A.Nissar Ahmed

For Respondent : No appearance

O R D E R

There is no appearance for the sole respondent / the Executive Officer, Kannampalayam Town Panchayat, Coimbatore. The petitioner claims to be the owner of the property at 1/1, Mahalakshmi Nagar, Kannampalayam, Coimbatore District (property/property in question). The petitioner would submit that he sought approval for construction of residential house, obtained the same, put up construction and is residing therein.

2.While this is so, the petitioner, on an apprehension that his possession will be disturbed, has approach the I Additional District Munsif Court, Coimbatore in O.S.No.3042 of 2012 arraying the respondents herein as defendants in the suit seeking permanent injunction as against the defendants from



dispossessing or interfering with his possession of property in question.

3.The Suit is stated to be pending as on date and according to the learned counsel for the petitioner, not even a written statement has been filed by the respondents. It is in these circumstances that the impugned order has come to be passed which proceeds on the basis that the property upon which the petitioner has obtained sanction for construction and has, in fact, constructed, was earmarked for public purpose and thus, ought not to have been transacted qua the parties for residential purpose.

4.It was incumbent upon the authority to have sought a response from the petitioner prior to taking such a view and a perusal of the impugned order makes it clear that no prior notice has been issued to the petitioner in this regard. This aspect of the matter is also not disputed by respondent counsel.

5.Solely on the short ground of violation of the principles of natural justice, the impugned order is set aside.

6.This Writ Petition is allowed in the aforesaid terms. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sl/kbs

To

The Executive Officer,
Kannampalayam Town Panchayat,
Coimbatore - 641 402.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.22024

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KK(CO)
RGA(13/04/2022)